

City of Pasadena

Municipal Code, Title 2, Article III, Chapter 2.75

2.75.010 Short title. This chapter shall be known as the "Cultural Heritage Commission Ordinance." (Ord. 6229 § 2 (part), 1987)

2.75.020 Establishment. There is created and established a commission of the city to be known as the "cultural heritage commission" and hereinafter called "commission." (Ord. 6229 § 2 (part), 1987)

2.75.030 Membership--Appointment and terms.

- A. The commission shall consist of 9 members, who shall be appointed as follows:
 - 1. Each of the 7 councilmembers and the mayor shall nominate 1 member for a total of 8 members.
 - 2. The mayor shall nominate the remaining 1 member from persons recommended by the 7 councilmembers.
 - 3. All nominations are subject to ratification by the city council.
- B. Members shall be appointed for a term of 3 years, and shall serve no more than 2 consecutive terms. A term of less than 1 year shall not be considered a full term. Terms expire on June 30th of the applicable years. A member shall continue in office for the term for which he/she was appointed or until his/her successor is appointed. No member who has served 2 consecutive terms shall be eligible for reappointment to the commission prior to the passage of a 2-year interval.
- C. If a member ceases to reside in the city prior to the expiration of a term, the member may complete the term only upon approval by the city council pursuant to Section 2.45.020.
- D. Any member of the commission may be removed by the city council at its pleasure. (Ord. 6820 §§ 16, 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

2.75.040 Qualifications.

- A. All members shall be residents of the city; provided however, that a person nominated by a director need not reside in the director's district.
- B. All members shall be conversant with Pasadena's historical, architectural and cultural heritage. (Ord. 6229 § 2 (part), 1987)

2.75.050 Absences and vacancies.

- A. In the event a member has 3 consecutive unexcused absences from meetings of the commission, the city council may declare the office of such member vacant. The staff to the commission shall advise the secretary to the mayor of any member with 3 consecutive unexcused absences. The chair of the commission may excuse absences.
- B. Vacancies, whether scheduled or unscheduled, shall be filled by the person who nominated the member to the vacant office, or by his/her successor, in the same manner as set forth in Section 2.75.030. (Ord. 6820 § 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

2.75.060 Election of officers. At the first meeting of the commission, and thereafter at its first meeting of each subsequent year, the members shall elect a chair and a vice chair. In the absence or disability of the chair and vice chair, the commission may designate a temporary chair. (Ord. 6229 § 2 (part), 1987)

2.75.070 Meetings--Records.

- A. The commission shall meet at least once a month and all its meetings shall be held in accordance with the Ralph M. Brown Act and shall be open to the public except as provided by law. Special meetings may be called by the chair or a majority of the commission.
- B. A quorum shall be a majority of the commission seats filled by the city council. A seat is deemed to be filled after a nominee has been sworn in by the city clerk. No action of the commission shall be valid without the affirmative vote of at least three members.
- C. The commission shall keep a record, which shall be available for public inspection, of all of its resolutions, proceedings and other actions. (Ord. 6675 § 2 (part), 1996; Ord. 6229 § 2 (part), 1987)

2.75.080 Rules and regulations. The commission shall adopt and amend, by the affirmative vote of 5 members, rules and regulations for the conduct of the commission's business consistent with this chapter. Such rules and regulations shall be submitted to the city council and shall not become effective until approved and ordered filed by the council. (Ord. 6820 § 17, 2000; Ord. 6229 § 2 (part), 1987)

2.75.090 Annual report. The commission shall submit an annual report and workplan to the city council no later than October 31st of each year. Attendance records of members shall be included as part of the annual report. (Ord. 6820 § 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

2.75.100 Disclosure requirements. Members of the commission shall be required to file annual statements of economic interest pursuant to the city's conflict of interest code. (Ord. 6229 § 2 (part), 1987)

2.75.110 Purpose and functions.

- A. The purpose of the commission is to recognize, protect and promote the retention and use of landmarks and landmark districts in the city and to promote awareness of Pasadena's unique heritage. The city council declares that the recognition, preservation, protection and use of cultural resources are required in the interest of the health, prosperity, social and cultural enrichment, and general welfare of the people. The purpose of this chapter is to:
1. Safeguard the heritage of the city by preserving improvements and natural features which reflect elements of the city's cultural history;
 2. Encourage public understanding and involvement in the unique architectural and environmental heritage of the city through educational programs;
 3. Strengthen civic pride in the beauty and notable accomplishments of the past, to promote their continued use today and encourage excellence in the building of the future;
 4. Protect and enhance the city's attractions to residents seeking a pleasant way of life, tourists and visitors, and thereby, to support and stimulate business and industry;
 5. Enhance the visual and aesthetic character, diversity and interest of the city;
 6. Promote the private and public use and preservation of historic districts and structures for the education, appreciation and general welfare of the people;
 7. Stabilize and improve property values;
 8. Strengthen the economy of the city;
 9. Take whatever steps are reasonable and necessary to safeguard the property rights of the owners whose property is declared to be a landmark or is located in an area designated as a landmark district.
- B. The commission shall have the following powers and duties in addition to those otherwise provided in this chapter:
1. To conduct a continuing survey of all cultural resources in the city which the commission, on the basis of information available or presented to it, has reason to believe may be eligible for designation as landmarks or landmark districts or structures of merit;
 2. To recommend to the council that certain areas, places, buildings, structures, natural features, works of art or similar objects having a significant historical, cultural, architectural, archeological, community or aesthetic value as part of the heritage of the city be designated as a landmark, or that the area be considered as a potential landmark district as provided in the zoning plan and code;
 3. To keep current and publish a register of landmarks, landmark districts and structures of merit;
 4. To encourage public understanding of and involvement in the unique architectural and environmental heritage of this city through educational and interpretative programs. Such programs may include lectures, tours, walks, reports or publications, films, open houses and special events;
 5. To explore means for the protection, retention and use of any designated or potential landmark, including but not limited to, appropriate legislation and financing, such as encouraging independent funding organizations or private local, state or federal assistance;
 6. To submit annually a proposed budget to the city manager covering personal services, supplies and equipment necessary for the performance of its duties;
 7. To work closely with the planning commission, in order to assure that environmental changes will be orderly and will not damage the cultural integrity of the city;
 8. To encourage private efforts to acquire property and raise money on behalf of cultural preservation; however, the commission is specifically denied the power to acquire any property or interest therein for or on behalf of itself or the city;
 9. To recommend and encourage the protection, enhancement, appreciation and use of structures of merit so as to emphasize their importance in the lifestyle of Pasadena. The commission may take such steps as it deems desirable to recognize these structures including, but not limited to, listing, certificates, letters or plaques;
 10. To render advice and guidance on any structure as time permits and upon request of the property owner. By way of example, but not by way of limitation, such advice might relate to painting,

- colors, materials, fencing, landscaping, lighting fixtures or restoration. This advice shall not be construed to impose any controls, but shall be offered in a spirit of friendly help;
11. To participate in revisions of the historic and cultural resources element of the general plan of the city;
 12. To encourage cooperation between cultural heritage groups, public and private, and to encourage the development of such groups in the county and state;
 13. To comment on all proposed rezoning, subdivisions (except condominiums), general plan amendments, redevelopment projects, significant public improvements and such other land use proposals or projects submitted by the director of planning, housing and community development as may require an environmental impact report under the provisions of the California Environmental Quality Act;
 14. To make recommendations regarding proposed landmark or landmark districts within the area covered by a preliminary redevelopment plan prior to the approval of the plan by the planning commission as formulated by the community development commission and the planning commission;
 15. To advise the design commission on alterations to publicly owned buildings of historic significance as required under subsections (B)(1)(a) and (B)(1)(b) of this section;
 16. To review applications for certificates of appropriateness to demolish structures meeting the criteria set forth in this chapter;
 17. To establish and maintain a written historic sign inventory.
- C. The commission shall carry out design review activities and prepare and implement conservation plans for LD landmark overlay districts, as provided in Chapter 17.52 of this code, and otherwise assist in the preservation of the character of such districts. In furtherance thereof the commission shall:
1. Conduct design review and issue certificates of appropriateness;
 2. Approve and administer conservation plans;
 3. Prepare amendments to adopted conservation plans from time to time as deemed necessary;
 4. Adopt regulations and procedures deemed necessary to carry out the policies of adopted conservation plans;
 5. Adopt specific design policies and guidelines for individual landmark districts as deemed necessary to implement adopted conservation plans and facilitate the review of public and private projects. In the absence of such policies and guidelines or relevant design standards and criteria in an adopted conservation plan, the commission shall evaluate proposed projects according to the current edition of the Secretary's Standards;
 6. Within the Bungalow Heaven landmark district, the commission shall conduct its review of proposed improvements in McDonald Park, prior to consideration of any such improvements by the parks and recreation commission and the city council.
- D. During hearings before the commission regarding a specific landmark district issue, a representative of the neighborhood association of the applicable landmark district (a "district representative") shall participate with equal voting rights.
1. Such representative(s) shall be selected as follows. The neighborhood association shall nominate a representative who resides and owns property in such district. If no neighborhood association exists within the landmark district, any resident property owner of such district may apply. If more than 1 neighborhood association exists within the landmark district, such associations shall jointly nominate the member; and if the associations cannot agree, each association shall nominate 1 person and the mayor shall select the nominee.
 2. The appointment of the district representatives shall be subject to ratification by the council. The representatives may be removed by the council at its pleasure.
 3. If a district representative ceases to reside in such district prior to the expiration of his/her term, he/she may complete the term only upon approval by the council pursuant to Section 2.45.020 of this code. The district representatives shall be subject to the provisions of Section 2.75.030, in the same manner as other commission members.
 4. Each district representative shall be entitled to vote only on matters affecting his/her district, and not on commission rules and regulations or other matters of general interest. In the event that a matter affects more than one district, all district members whose districts are thereby affected

may vote on such matter. (Ord. 6820 § 45 (part), 2000; Ord. 6610 §§ 2A, 2B, 1994; Ord. 6560 § 2, 1993; Ord. 6505 § 2, 1992; Ord. 6229 § 2 (part), 1987)

2.75.120 Definitions. Unless it is plainly evident from the content that a different meaning is intended, certain words and phrases used in this chapter are defined as follows:

- A. "Alteration" means any change in the improvement.
- B. "Certificate" means a certificate of appropriateness as required by this chapter.
- C. "Director" means the director of planning and permitting, any successor individual, or the director's designee.
- D. "Demolition" means an act or process that destroys or razes in whole or in part a building, structure or site or permanently impairs its structural integrity.
- E. "Council" means the city council of the city.
- F. "Cultural resources" means areas, districts, streets, places, buildings, structures, outdoor works of art, natural features and other objects having a special historical, cultural, archeological, architectural, community or aesthetic value.
- G. "Fixture" means a decorative or functional device permanently affixed to the site or the interior or exterior of a structure and contributing to its ability to meet landmark or treasure criteria. "Permanently affixed" includes, but is not limited to, attachment by screws, bolts, pegs, nails or glue, and may include such attachment methods as rope, glass or leather if such material is integral to the design of the device. Fixtures include, but are not limited to, lighting devices, murals, built-in furniture and cabinetry, paneling and molding, leaded glass or other decorative windows and decorative hardware.
- H. "Improvement" means any place, building, structure or work of art or similar object constituting a physical addition of real property or any part of such addition.
- I. "Landmark" means any site or improvement, manmade or natural, which has special character or special historical, cultural, architectural, archeological, community or aesthetic value as part of the heritage of the city or the United States and which has been designated as a landmark pursuant to the provisions of this chapter.
- J. "Landmark district" means any area which contains a number of structures or natural features having a special character or special historical, cultural, architectural, archeological, community or aesthetic value, as set forth in the revised zoning ordinance, and designated as such by the council.
- K. "Member" means any member of the cultural heritage commission.
- L. "Natural feature" means any tree, plant life or geological element subject to the provisions of this chapter.
- M. "Owner" means the person appearing as the owner of such improvement, natural feature or site on the last equalized assessment roll of the county of Los Angeles.
- N. "Pasadena historic treasure" or "historic treasure" means any cultural resource which has outstanding character or outstanding historical, cultural, architectural, archaeological, community or aesthetic value as part of the heritage of the city, region, state or the United States and which has been designated as a Pasadena historic treasure pursuant to the provisions of this chapter.
- O. "Person" means any individual, association, partnership, firm, corporation, public agency or political subdivision.
- P. "Removal" means the displacement from the site of a cultural resource of any device, feature, fixture, hardware, structural or decorative material contributing to the cultural, historic or architectural character of the cultural resource.
- Q. "Secretary of the Interior's Standards" or "Secretary's Standards" means the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
- R. "Site" means any parcel or portion of real property which has special character or special historical, cultural, archaeological, architectural, community or aesthetic value.
- S. "Structure" means a work made up of interdependent and interrelated parts in a definite pattern or organization.
- T. "Structure of merit" means a structure not designated or eligible for designation as a landmark or a Pasadena historic treasure, that (1) is representative of an architectural style or period; (2) if altered, is not significantly diminished in character by such alterations; and (3) if deteriorated, is in preservable condition. In addition, a structure of merit must meet at least one of the following criteria:
 - 1. It is a cultural resource that contributes to a designated or potentially eligible landmark district.
 - 2. It is a cultural resource that contributes to a thematically related grouping of structures linked by design, type, plan or physical development.

3. It has architectural features that are rare or nonexistent on other structures in the city. (Ord. 6820 § 45 (part), 2000; Ord. 6610 § 2C, 1994; Ord. 6492 §§ 1, 2, 1992; Ord. 6311 §§ 4, 5, 1989; Ord. 6229 § 2 (part), 1987)

2.75.125 General procedures.

- A. All applications considered by the commission under this chapter shall be processed according to the standard procedure of Chapter 17.80 of this code, except as otherwise provided by this chapter. All applications for certificates of appropriateness for stays of demolition, relocation or alteration, except those related to an initial 45-day review period, shall be considered at a noticed public hearing, pursuant to the standard notice procedure of Chapter 17.80.
- B. All applications under this chapter shall be filed with the director. The director shall specify the application requirements.
- C. All decisions of the commission or staff shall be effective 10 days after the date of the decision, unless appealed or called for review prior to the effective date. Decisions to approve a certificate of appropriateness authorizing relocation or alteration of a structure shall be valid for 2 years from the effective date. The certificate may be renewed once for a maximum of 1 year by the director without notice or public hearing upon determination that the findings and conditions of the original approval still apply.
- D. Notices of all decisions by the commission shall be provided to the applicant in writing, including the findings upon which the decision is based, promptly after the decision is made.
- E. The requirements under this chapter for certificates of appropriateness are in addition to any other city permits required for a project, including without limitation, building, demolition, design review and use permits.
- F. All applications shall be acted upon within 30 days of acceptance of a complete application.
- G. The duration of the stays as provided in the chapter is a maximum. The commission shall conclude its deliberations and investigations as expeditiously as possible. The commission shall promptly terminate a stay if at any time the investigation reveals that preservation is not feasible, even if a stay has not expired. After the termination or expiration of a stay, the certificate of appropriateness shall be promptly issued. (Ord. 6610 § 2D, 1994)

2.75.130 Criteria for designating landmarks. In considering a proposal to recommend to the council the designation of any cultural resource in the city as a landmark, the following criteria shall be applied:

- A. Its character, interest or value as part of the heritage of the city;
- B. Its location as a site of a significant historic event;
- C. Its identification with a person or persons or groups who significantly contributed to the culture and development of the city;
- D. Its exemplification of a particular architectural style or way of life important to the city;
- E. Its exemplification of the best remaining architectural type in a neighborhood;
- F. Its identification as the work of a person or persons whose work has influenced the heritage of the city, the state or the United States;
- G. Its embodiment of elements of outstanding attention to architectural design, detail, materials or craftsmanship;
- H. Its relationship to other landmarks if its preservation is essential to the integrity of the landmark;
- I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;
- J. Its potential of yielding information of archaeological interest;
- K. Its integrity as a natural environment that strongly contributes to the well-being of the people of the city. (Ord. 6820 § 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

2.75.140 Procedure for designating landmarks and historic treasures. The commission, upon its own initiative or upon the request of any person or city agency, may propose the designation of any cultural resource in the city as a landmark or a Pasadena historic treasure and thereupon take the following actions:

- A. A commission representative shall meet with the property owner in an effort to obtain such owner's written consent prior to initiation of the proposed designation.
- B. At a noticed public hearing within 30 days of the date of the initiation or request, the commission shall review the application. Written notice of such hearing shall be sent by certified mail to the property owner, at least 14 days prior to the hearing date. At the hearing the commission shall determine if the cultural resource meets the specified criteria for designation as a landmark or historic treasure, as

supported by substantial evidence in the record, including without limitation documents showing the historic, architectural or other significance. The commission shall make its recommendation following the hearing. If the commission determines that the structure does not meet the criteria, the process shall terminate and the property owner shall be notified of such termination without delay.

- C. If the commission determines that the cultural resource warrants designation, the commission shall:
 - 1. Notify the director and the planning commission in writing, of the proposed designation;
 - 2. Submit a written recommendation to the city council, incorporating its reasons in support of the proposed designation. Such recommendation shall include written documentation of the property owner's consent to the proposed designation if such consent has been obtained.
- D. The city council, upon receipt of a recommendation in support of a proposed designation, shall set the matter for public hearing within 30 days of the date of filing of the recommendation and shall render its decision thereon within 30 days after the close of the hearing. Written notice of the hearing shall be provided to the owner of the property proposed for designation. Such notice shall be mailed at least 14 days prior to the hearing date. A reasonable opportunity for the owner or any interested party to be heard shall be provided at the hearing.
- E. If the property is privately owned, the owner of the property may object to the designation of the property as a landmark or a historic treasure by filing with the city clerk a written statement setting forth the objection prior to the hearing. If an objection is made by the owner or, if there are multiple owners, by those owners having an interest greater than 50% of the assessed value of the property, the city council shall determine if the property is eligible for designation, but no declaration of its designation shall be recorded. An owner or an owner's successor in interest may thereafter withdraw an objection at any time by filing a statement withdrawing the objection. Written notice of such withdrawal shall be given to other property owners. A declaration for eligible properties shall be recorded whenever it is determined that the objections on file, and not withdrawn, do not exceed 50% of the assessed value of the property.
- F. If no objections are received pursuant to subsection E above, the city council may approve the landmark or historic treasure designation, which approval shall be evidenced by a declaration of designation, executed by the mayor. The city clerk shall record the declaration in the office of the county recorder. (Ord. 6610 § 2E, 1994; Ord. 6229 § 2 (part), 1987)

2.75.150 Maintenance of landmarks and historic treasures.

- A. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of any designated landmark that does not involve a change in design, material, color or appearance thereof; nor the repair of an unsafe or dangerous condition as provided in Section 2.75.330.
- B. Every landmark and historic treasure shall be maintained in good repair by the owner or such other person who has legal possession or control thereof, in order to preserve it against decay and deterioration to the extent practicable. (Ord. 6610 § 2F, 1994; Ord. 6229 § 2 (part), 1987)

2.75.170 Criteria for designating a Pasadena historic treasure.

- A. In considering a proposal to recommend to the council the designation of any cultural resource in the city as a Pasadena historic treasure, the commission shall find that the cultural resource meets one or more of the criteria set forth in this section and, additionally, must be of regional, state or national significance. Significant interiors of structures may be designated individually or in their relation to the structure as a whole. The criteria are as follows:
 - 1. Its location as the site of a historic event having major significance to the city, state or the United States;
 - 2. Its identification with a person or persons who have made a significant social, cultural or scientific contribution to the city, state or the United States;
 - 3. Its quality as one of the finest examples in the city of the work of an architect of major importance;
 - 4. Its identification as the work of a person or persons whose work has exerted a major influence on the heritage of the city, the state or the United States;
 - 5. Its exemplification of an extraordinary class of architectural design, detail, materials or craftsmanship;
 - 6. Its potential of yielding archaeological information of major importance;
 - 7. Its integrity as a natural environment that has made a major contribution to the well-being of the people of the city. (Ord. 6820 § 45 (part), 2000; Ord. 6610 § 2H, 1994; Ord. 6229 § 2 (part), 1987)

2.75.180 Demolition, relocation or alteration of a historic treasure.

- A. No person may demolish, relocate or alter a historic treasure without first obtaining a certificate of appropriateness from the commission. An application for a certificate shall be filed with the director and transmitted to the commission for action.
- B. The commission shall deny the application for a certificate if it finds that the proposed work does not comply with the Secretary's Standards.
- C. If the commission's denial of a certificate for a historic treasure is appealed to the city council, the council may reverse the commission's decision only upon finding that denial of the applicant's request would impose extreme hardship, or that the commission has misapplied the Secretary's Standards. (Ord. 6610 § 2I, 1994: Ord. 6229 § 2 (part), 1987)

2.75.200 Demolition, relocation or alteration of designated landmarks, and the works of Greene and Greene.

- A. Any person wishing to demolish, relocate or alter a designated landmark, or to demolish, relocate, alter or remove exteriors or fixtures from any structure or portion thereof designed by the firm of Greene and Greene, including works of Charles Greene or Henry Greene, must first obtain a certificate of appropriateness from the commission. An application for a certificate shall be filed with the director and transmitted to the commission for action.
- B. In considering the application the commission shall make preliminary findings with respect to whether the proposed work is in conformance with the Secretary's Standards. If the commission finds the proposed work is in conformance with the Standards, the director shall issue the certificate. If the commission finds the proposed work is not in conformance with the Standards, it may require an initial review period not to exceed 45 days from the date of the meeting.
- C. During the 45-day review period, the commission shall investigate the feasibility of preservation of the site, structure or fixtures, and shall take such steps within the scope of its powers and duties as it determines are necessary for preservation.
- D. No later than the end of 45 days, the commission shall review the progress made towards preservation of the site, building or fixtures. At this review, the commission shall determine if additional time is needed to accomplish preservation and may impose an initial stay on issuance of the certificate not to exceed 180 days.
- E. Prior to the end of the initial 180-day stay, the commission shall review again the progress made towards preservation of the site, building or fixtures. If such preservation has not been accomplished, but the commission determines that it may be accomplished thereafter, the commission may extend the stay for an additional period not to exceed 180 days. When imposing a second 180-day stay, the commission shall set forth the reasons for the stay and describe the progress to date of the steps to preserve the site, building or fixtures. Any such extension shall be supported by findings that such extension is solely to allow the completion of acts reasonably likely to achieve preservation.
- F. The commission may waive all or a portion of the required stay period if it determines that the alteration or relocation is undertaken subject to conditions assuring the continued maintenance of the historic, architectural or cultural integrity of the site, building or fixtures. For designated landmarks only, the commission may reduce the stay period in any case where the owner would suffer extreme hardship, not including loss of profit, unless a reduction in the required period was allowed. (Ord. 6610 § 2L, 1994: Ord. 6229 § 2 (part), 1987)

2.75.210 Demolition, relocation or significant alteration of a structure over 50 years old.

- A. No person shall demolish, relocate, or significantly alter a structure over 50 years old without first obtaining a certificate of appropriateness pursuant to this section. An application for the certificate shall be filed with the director. The director shall forward the application to the commission, which shall determine if the structure meets the criteria for a structure of merit or a landmark under this chapter.
- B. The certificate of appropriateness shall be issued without further review if:
 - 1. The structure does not meet the criteria for either a structure of merit or a landmark under this chapter; or
 - 2. The structure meets the criteria for a structure of merit, but the application proposes only alteration or relocation of the structure; or
 - 3. The application proposes demolition, and the structural integrity of the structure or the site conditions would preclude relocation.

- C. If the certificate is not issued pursuant to subsection B above, the commission may require an initial 45-day review period for the certificate if:
1. The structure meets the criteria for a structure of merit, is used or was originally constructed as a residence, and the application proposes demolition; or
 2. The structure meets the criteria for a landmark.
- During the 45-day review period, the commission shall investigate preservation of the structure, including retention or alteration consistent with the Secretary's Standards.
- D. No later than the end of 45 days, the commission shall review the progress made towards preservation. If additional time is needed to accomplish preservation of the structure, the commission may impose an initial stay on issuance of the certificate not to exceed 180 days. The stay shall be terminated at any time if the commission determines that preservation is not feasible.
- E. Prior to the end of the initial 180-day stay, the commission shall review again the progress made towards preservation. If preservation has not been accomplished, but the commission determines that it may be accomplished thereafter the commission may extend the stay for an additional period not to exceed 180 days, but only if the structure meets the criteria for a landmark. Such extension shall be supported by a finding that the extension is solely to allow the completion of acts reasonably likely to achieve preservation of the structure.
- F. Prior to issuance of a certificate of appropriateness for demolition of a structure that meets the criteria for a landmark or a structure of merit, the applicant shall provide to the director, at the applicant's sole cost, complete photo-documentation of archival quality of the structure to be demolished. (Ord. 6610 § 2M, 1994; Ord. 6492 §§ 3--5, 1992; Ord. 6229 § 2 (part), 1987)
- 2.75.220 Replacement building for 50 year old structures.
- A. No permit to demolish a building or structure over 50 years old may be issued unless there has been issued a building permit for a replacement structure or project for the property involved. A building permit to establish a parking lot pursuant to Chapter 14.04 is not a building permit for a replacement structure or project within the meaning of this subsection.
- B. An applicant for a demolition permit may apply to the commission for relief from the requirements of this section. The commission shall grant relief if it finds that demolition without replacement will not result in harm to the public. Harm to the public includes and shall be found if the loss of the structure without replacement results in the loss of low-income housing stock which will not be replaced, is likely to result in nuisance uses of the vacant property, or has a significant adverse visual impact on the neighborhood.
- C. At the discretion of the director, an application under this section may be combined and processed concurrently with an application for a certificate of appropriateness. (Ord. 6683 § 5, 1996; Ord. 6610 § 2N, 1994; Ord. 6229 § 2 (part), 1987)
- 2.75.225 Special findings for unreinforced masonry buildings and structures.
- A. When reviewing applications for a certificate of appropriateness to demolish an unreinforced masonry building (a building constructed of unreinforced masonry bearing wall construction built prior to 1934), the commission may only deny a request to demolish a URM building if it makes all of the following findings:
1. The building is a qualified historic building as defined in Section 14.06.020 of this code;
 2. Denial of the demolition request does not deny the owner all economically beneficial or productive use of the property.
- B. If the commission cannot make these findings, the building official shall issue the demolition permit being requested if it otherwise complies with the law governing the issuance of demolition permits.
- C. If demolition permission is not granted pursuant to the applicable procedure, the building must be retrofitted according to the schedule contained in Chapter 14.06 of this code. (Ord. 6560 § 3, 1993)
- 2.75.228 Appeals. The following decisions by the commission under this chapter may be appealed by any interested party to, or may be called for review by, the city council as provided in Chapter 17.104 of this code:
- A. Decisions regarding relief from the replacement building permit requirement;
 - B. Impositions of building prohibitions for unauthorized demolitions under Section 2.75.290;
 - C. Approval, conditional approval or denial of a certificate of appropriateness, except for imposition of a 45-day review period;
 - D. Decisions regarding placement of a sign on the historic sign inventory;
 - E. Decisions of the planning director pursuant to Section 14.06.090; and

F. Decisions of the planning director pursuant to Chapter 17.52. (Ord. 6712 §2, 1997; Ord. 6610 § 20, 1994)

2.75.230 Notification of changes in significant buildings. The commission shall be notified in writing by the director of planning, housing and development services of any plans to alter materially or redecorate exterior or interior features of any significant buildings owned by the city or other public entities so that the commission may study such plans and make recommendations to the director of planning, housing and development services. Such notification shall be received by the commission not less than 45 days prior to publication of a notice inviting bids for such work. This section shall not apply to any building owned by the community development commission or hereafter acquired by that commission. This section shall not apply to the Gamble House, the Grace Nicholson Building, the Wrigley House, the Rose Bowl, City Hall or the Pasadena Center Complex; provided, however, that the director of planning, housing and development services shall promptly furnish to the commission a copy of each agenda and the minutes of all meetings of the design commission of the city. (Ord. 6229 § 2 (part), 1987)

2.75.240 Historic easements on facades. Historic easements on the facades of buildings designated as landmarks or structures of merit may be acquired by the city through purchase, donation or condemnation. An historic easement would include any easement, restriction, covenant or condition running with the land designed to preserve or maintain the significant features of such landmarks or structures. (Ord. 6229 § 2 (part), 1987)

2.75.250 Notification of zoning changes. A written notice of any hearings on a proposed zone change shall be given to the commission not less than 30 days prior to the hearings so that the commission may make its recommendations thereon to the director of planning, housing and development services. (Ord. 6229 § 2 (part), 1987)

2.75.260 Fees. The council shall by resolution prescribe fees for all applications, reviews and appeals authorized by this chapter. (Ord. 6820 § 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

2.75.270 Suspension of pending action. The council may repeal any landmark ordinance or suspend any pending action initiated under this chapter which affects property covered by agreement upon approval by the council of any disposition and development agreement, participation agreement, lease or other agreement submitted to the council by the community development commission. (Ord. 6820 § 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

2.75.280 Incentives for preserving cultural resources. In order to carry out more effectively and equitably the purposes of this chapter, the council shall by resolution adopt a program of economic and other incentives to support the preservation, maintenance and appropriate rehabilitation of Pasadena historic treasures, landmarks, landmark districts and structures of merit. (Ord. 6820 § 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

2.75.290 Obligations and consequences upon demolition of specified structures without a certificate of appropriateness.

- A. Demolition of any designated historic treasure, cultural heritage landmark and works of Greene and Greene, without compliance with this chapter is expressly declared to be a nuisance, and shall be abated by reconstructing or restoring the property to its original condition prior to the performance of work in violation of this chapter whenever possible. The owner of the property, within 30 days of notice from the director of planning, housing and development services that demolition has been performed in violation of this chapter, shall execute and record a covenant in favor of the city to do such reconstruction or restoration within 1 year of the date of such notice. The form of the covenant shall be subject to approval by the city attorney, and shall run with the land. Upon application to the cultural heritage commission, the time may be extended by the commission, if the owner shows the work cannot reasonably be performed within 1 year. If the owner refuses to execute and record such covenant, then the city may cause such reconstruction or restoration to be done, and the owner shall reimburse the city for all costs incurred in doing the work. The cost of the work performed by the city shall constitute a lien against the property on which the work is performed. Restoration or reconstruction may only be required when plans or other evidence is available to effect the reconstruction or restoration to the satisfaction of the director of planning, housing, and development services.
- B. If a structure is demolished without a certificate of appropriateness as required by this chapter, and is not restored or reconstructed as required by subsection A above, no building or construction related permits shall be issued, and no permits or use of the property shall be allowed, from the date of demolition for a specified time period, as follows: for 3 years, if the structure was over 50 years old;

for 4 years, if the structure met the criteria for a structure of merit; for 5 years if the structure was a work of Greene and Greene, a historic treasure, a designated landmark, or met the criteria for a landmark. For purposes of this section, the demolition shall be presumed to have occurred on the date the city has actual knowledge of the demolition. The owner shall have the burden of proving a different date if one is claimed.

- C. The director of planning, housing, and development services shall cause notice that this section is applicable to property to be served by mail on the person shown as the owner on the rolls of the tax assessor, and on any other person known to have an interest in the property, as soon as practicable after having knowledge that the provisions of this section are applicable to property. The date the city first had actual knowledge of the demolition shall be stated in the notice. The provisions of this subsection are directory only.
- D. The decision of the director that this section is applicable to property may be appealed by the property owner to the commission, according to the procedures of this chapter. The commission may grant relief from the requirements of this section if the demolition in violation of this section was not done to any of the following:
 - 1. Any building or structure contributing to a designated landmark district;
 - 2. A building or structure eligible for landmark status either individually or as part of a district;
 - 3. A building or structure listed or eligible for listing in the National Register of Historic Places, either individually or as part of a district;
 - 4. Any cultural resource determined to have historic significance.
- E. All property subject to the provisions of subsection B of this section shall be maintained in an orderly state. The owner shall maintain all existing trees and landscaping on the property, and, when appropriate shall sod and seed the property, or otherwise install planting and landscaping materials in a manner satisfactory to the city's zoning administrator. Any new construction on the property after the time period within which building and other development permits may not be issued shall be subject to design review by the design commission with recommendations from the cultural heritage commission to be received by the design commission prior to rendering decisions on the design of new development. (Ord. 6610 § 2P, 1994; Ord. 6311 § 1, 1989)

2.75.300 Additional remedies for alteration of specified structures without required approvals.

- A. The alteration of a designated cultural heritage landmark, a designated historic treasure, of any building, structure, exterior or fixture designed by the firm of Greene and Greene, including the works of Charles Greene or Henry Greene, or of any building in the central district listed in the city's architectural and historic inventory, without obtaining required approvals, if applicable, of the cultural heritage commission or design commission, is expressly declared to be a nuisance, and shall be abated by restoring the property to its appearance prior to the performance of the work without the required approval. The owner of the property, within 30 days of notice from the director of planning, housing, and development services that demolition has been performed in violation of this chapter, shall execute and record a covenant in favor of the city to do such reconstruction or restoration within 1 year of the date of notice. The form of the covenant shall be subject to approval by the city attorney, and shall run with the land. Upon application to the cultural heritage commission, or design commission, whichever is applicable, the time may be extended. All restoration shall be performed in accordance with the Secretary of Interior's Standards. If the owner refuses to execute and record such covenant, then the city may cause such reconstruction or restoration to be done, and the owner shall reimburse the city for all costs incurred in doing such work. The cost of the work performed by the city shall constitute a lien against the property on which the work is performed. Restoration or reconstruction may only be required when plans or other evidence is available to the city, from which the prior appearance of the building or structure can be determined.
- B. In the event the appearance of the building or structure prior to the unapproved work cannot be determined, the owner shall obtain all required permits for the alteration. All work authorized by such permits shall comply with the Secretary of Interior's Standards, and shall be reviewed by the director of housing, planning, and development services for compliance. Pursuant to Section 1.24.030 of this code, each day the alteration exists without approval or a valid building permit shall constitute a separate offense. (Ord. 6311 § 2, 1989)

2.75.310 Designation of historic signs.

- A. A sign may be designated historically significant by the cultural heritage commission if it was installed prior to January 1, 1960, and meets one or more of the following criteria:

1. The sign is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historic sign materials and means of illumination, and is not significantly altered from its historic period. Historic sign materials shall include metal or wood facings, or paint directly on the facade of a building. Historic means of illumination shall include incandescent light fixtures or neon tubing on the exterior of the sign. If the sign has been altered, it must be restorable to its historic function and appearance.
 2. The sign is integrated into the architecture of the building. Such signs shall include but not be limited to sign pylons on buildings in the Moderne style.
 3. A sign not meeting criteria 1 or 2 above may be considered for inclusion in the inventory if it demonstrates extraordinary aesthetic quality, creativity, or innovation, and findings to that effect are made by the cultural heritage commission.
- B. The owner of any sign may request that said sign be reviewed for significance in the historic sign inventory upon written application to the cultural heritage commission.
- C. Placement on the historic sign inventory does not preclude the owner from demolishing or removing the sign. (Ord. 6610 § 2Q, 1994; Ord. 6311 § 3, 1989)
- 2.75.320 Violations. Pursuant to Section 512 of the Charter of the city, and Chapter 1.24 of this code, violation of this chapter may be charged by the city prosecutor as misdemeanors, and be punished accordingly. Such criminal penalties are cumulative and not exclusive to any legal or equitable remedies for the violation. (Ord. 6311 § 7, 1989)
- 2.75.330 Public safety exception. Notwithstanding any other provision of this chapter, the director may authorize permits to demolish, relocate, remove or significantly alter a site, building, structure or fixture, if such a permit is necessary for the preservation of the health, safety or welfare of the public. Approval pursuant to this subsection shall be limited to the work necessary to protect the public. (Ord. 6610 § 2R, 1994)